

The Township Committee of the Township of Raritan met on March 1, 2016 at the Municipal Building, One Municipal Drive, Flemington, New Jersey

**MEETING
CALLED**

Mayor Gilbert called the regular meeting to order at 7:07 p.m.

ROLL CALL

The following were present: Mayor Karen Gilbert, Deputy Mayor Michael Mangin, Comm. Craig O'Brien, Comm. Richard Chen and Comm. Louis Reiner. Also present was Chief Financial Officer William Pandos and Township Attorney Jeffrey Lehrer.

**MEETING
ADVERTISED**

Mayor Gilbert advised that the meeting was advertised in accordance with the Open Public Meetings Act in the February 25, 2016 issue of the Hunterdon County Democrat and was posted on the office bulletin board and the Township Website.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Gilbert asked all to join in the Pledge of Allegiance to our Flag and to remain standing for a Moment of Silence to remember our Men and Women serving in the Armed Forces and in Particular Those Serving In Troubled Areas Around the World.

**PUBLIC
COMMENT**

It is the policy of the Township Committee that all public comments on an issue shall be limited to three minutes per person. Public comment shall be permitted on items of concern regarding the agenda only. In addition, time will be allotted at the end of the meeting for public comment on any issue.

**FINANCIAL
ISSUES**

Payment of Bills as Listed for Raritan Township: **\$ 13,432,622.64**

Comm. O'Brien asked about Item #1897. Don Hutchins said that this is for signs for traffic control that state workmen ahead when the Road Department works on the roads. These signs are bought and not made in the sign shop. Comm. Reiner asked about ADR Towing. This was for two trucks that were stuck in ditches during the blizzard. Item #4328 in the amounts of \$1,892.33 and \$4,300 were for Auto Cad Soft Ware.

Mayor Gilbert asked for a motion to approve the Bill List.

Motion was made by Comm. Reiner and seconded by Comm. Mangin.

**FINANCIAL
ISSUES
(Continued)**

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

REPORTS

LIAISON REPORTS

PLANNING BOARD LIAISON ANDREW BORKIN

*** Andrew Borkin, Planning Board Liaison to the Township of Raritan said that as part of the of CEDS, there is a municipal outreach program. In 2013, the Board of Chosen Freeholders, together with the County Planning Board, applied for a grant which resulted in the birth of CEDS. From 1970 to 2000, the population in the County grew by 55%. Since 2000, there has been a decline in the population. The median age has gone from 32 in 1980 to 44 in 2014. There is commercial office space vacant and the demand for single family housing has been replaced by diverse housing. Unless something is done for the long-term, there will be significant issues in the County. With CEDS, the Freeholders have created a think tank with several people including Frank Benish, President of Benish Associates, Susan Blue, Proprietor of the Oak Grove Plantation, Paula Bass of Shop Rite, Kean Berenga, Black River and Western Railroad, Carole Kronime, Former Assistant Secretary of State, Jack Cust, Health Quest, John Higgins, James Hughes from Rutgers, Jim Hyman, CEO of Hopewell Valley Community Bank, Katherine Langley, Board Member of Hunterdon Medical Center and others. These people are going to be the sounding board for the Freeholders. There are also private partners, such as the Chamber of Commerce, JCP&L, HART Commuter and the County Planning Board. In November, 2015, the Planning Board recommended an amendment to the County Land Development Standards to waive all subdivision and site plan review fees until further notice. The ordinance was adopted in December, 2015. The loss to the County will be less than \$10,000. This focuses on making the County more economically competitive as stated in CEDS.

PLANNING BOARD LIAISON ANDREW BORKIN (Continued)

Comm. O'Brien said that he was pleased to hear about economic development within the County. Raritan Township is home to the four largest employers in the County; Health Quest, Hunterdon Medical Center, Flemington Car & Truck Company and Johanna Foods. He pointed out that since 1970, Raritan Township has grown by 400% in population. The County has grown because of the explosion and growth in Raritan Township.

Karen Gilbert – Administration, Personnel, Planning Board (Class I – Mayor) – No report.

Michael Mangin – Planning Board (Class II – Governing Body), Police, Finance & Business – Comm. Mangin said that Hinline Towing was given notification after an investigation and review that they will no longer service Raritan Township. It was the Chief of Police's decision to terminate Hinline Towing due to several on-going complaints and charges.

Louis Reiner – Public Works, Fire/Rescue/OEM, Local Historians – No report.

Richard Chen – Open Space, Parks & Recreation, RTMUA – No report.

Craig O'Brien – Board of Health, Green Team, Environmental Commission
No report.

SNOW REPORT

February 15, 2016 – \$53,608.75

Don Hutchins said that this report covered snow, ice and freezing rain. There were also high winds which contributed to tree problems. The amount was high because it was a holiday and there was a great deal of overtime. Mr. Hutchins mentioned that there are 2,300 tons of snow removal materials.

Mayor Gilbert asked the Committee to move the matter of the Remedial Investigation Report for the Police Building next.

**UNFINISHED
BUSINESS**

REMEDIAL INVESTIGATION REPORT – POLICE BUILDING – Eng. Hajjar said that this has been on-going since 1995 because a gas leak occurred. The Township has been spending money on water testing, consultants and NJ DEP annual fees. The Committee’s intention has been to wait as long as possible to remediate the problem, however, the deadline now for the IAR is May 7, 2016. In order to complete the report, there will be a cost of \$7,500.00. Mr. Hajjar recommended that the Township complete the excavation as soon as possible to eliminate the yearly costs. The problem will not take care of itself. Comm. Mangin said that several years ago, the Township Committee decided not to follow the NJ DEP schedule and have employees from the Department of Public Works do part of the excavation. In order for DPW to do the work, an employee would have to be trained and licensed to be part of the excavation and also to handle the hazardous material.

*** Peter Duran, LSRP for the site said that in 1995 there was an underground storage tank leak. The tank was removed and so was the contaminated soil. This matter was placed in the NJ DEP system. Over the years, there has been a series of different types of attempts to try and remediate this. None of which have been successful. The Township continues to test the wells on Dayton Road, however, there is no danger to the residents in that area. If the Township does not comply with the IAR, NJ DEP can fine the Township up to \$25,000 per day. He reiterated that the deadline is May 7, 2016. The process is to move the tank out of the way, excavating out the contaminated soil and treating it with a bio-remediation material and back filling the site. The piping from the tank to the pump should be replaced with a double wall pipe as well as replacing the pump. He recommended that the Township continue to monitor the wells in that area.

It was the consensus of the Committee to be in compliance with NJ DEP and retain Peter Duran, LSRP, to complete the remediation.

*** Mr. Duran said that there were additional wells constructed in that area. Sampling has been completed. Even though the NJ DEP transferred this to private parties, they still kept the review responsibilities.

Comm. O’Brien said that if the Committee authorizes an additional \$7,500 for the report due May 7, 2016, there has to be a mechanism in place for the funding. He deferred this to the Chief Financial Officer, William Pandos. The Committee agreed. Mr. Duran said that he would need a decision from the Committee by the next meeting.

**UNFINISHED
BUSINESS
(Con't)**

CONSTRUCTION CODE FEE SCHEDULE – Hans Warnebold, Construction Code Official, thanked Mayor Gilbert and Comm. Chen for meeting with him with regards to the fee schedule. He said that a fee schedule was discussed in 2006 and 2010, however some of the fees were not addressed. Comm. Chen said that the fees were compared with Clinton and Readington Townships. Some fees have been reduced and some fees have increased. Also, some of the fees have been bundled together which also lowered the fees. Comm. O'Brien said he needed more time to review the fees. Comm. Reiner said he wanted to wait to introduce an ordinance. Comm. Mangin, Comm. Chen and Mayor Gilbert were in favor of introducing an ordinance to change the fees. The fee schedule will need to be approved by the State.

SOLAR PROJECT – Mayor Gilbert said that Comm. O'Brien and Comm. Chen met to review whether it was feasible to place solar panels on the Municipal Building. Comm. Chen said he toured the Everitts Road Solar Farm and looked at the panels. Comm. O'Brien said that this was early in the discussions and in two weeks will meet with Eng. Hajjar and Sup't Hutchins and report back to the Committee.

BUDGET PROCESS UPDATE – Chief Financial Officer, William Pandos, said that he and Adm. Giaimis have been having budget workshops with the department heads. Mr. Pandos and Mr. Giaimis have also been meeting with the Fire Company, Rescue Squad, OEM, Parks and Recreation and Historical. He also had meetings with the Finance Committee (Mayor Gilbert and Comm. Mangin). The next step is for Adm. Giaimis and himself to sit and finalize the budget numbers and present the 2016 Budget to the Township Committee. He said that 50% of the budget increase is due to contractual or statutory requirements.

**NEW
BUSINESS**

DONATION OF PROPERTY TO HABITAT FOR HUMANITY – Eng. Hajjar said he was approached by a Board Member of the Raritan Valley Habitat for Humanity. This organization receives donations of properties that sometimes have structures on it or not. They build new homes or upgrade existing homes and sell them for the cost of the materials. There are two pieces of property that the Township owns located on Route 523. The Department of Public Works has to maintain the properties and it is becoming a nuisance. The addresses are 139 and 141 Sergeantsville Road. Mayor Gilbert said that the Habitat for Humanity is not sure yet if they want to accept the donation. Habitat for Humanity is comprised of volunteers. There is also a possibility that this donation could be added to the Township's COAH obligations. The properties would also be placed on the tax rolls.

**NEW
BUSINESS
(Continued)**

DONATION OF SURPLUS POLICE WARNING LIGHTS – Sup’t Hutchins said that there is a surplus of six lights that were taken off of police cars and fire trucks. He mentioned that Milford Borough is in need of these lights and he asked for permission from the Committee if he can donate them. The Committee was in agreement. A resolution was adopted later in the meeting.

COURT AUDIT - Comm. Reiner asked that this matter be placed on the March 15, 2016 Agenda. This is a personnel matter under Closed Session. Mayor Gilbert said that she will discuss this with Adm. Giaimis.

Mayor Gilbert requested that Privilege of the Floor be discussed at this time. The Committee was in favor.

**PRIVILEGE
OF THE
FLOOR:**

Anyone may address the Committee on any subject for three (3) minutes.

*** Sue Lewis, 7 Bluebird Court, referred to the Zoning Officer, Jamie Sunyak, as being incompetent. Ms. Lewis said that Ms. Sunyak could not identify any ordinance or any violation when she was first confronted by her neighbor, Mr. Hart. Mr. & Mrs. Hart hounded her for three to four months. Ms. Lewis understood that a summons was issued with a March 8, 2016 date. Ms. Lewis said that Ms. Sunyak and her associate visited the site and failed to take any photographs. The property in question is 9 Bluebird Court. There is a shipping pod, car and dumpster on the property. Ms. Lewis’ felt that Ms. Sunyak is not an advocate for the Township or for its citizens. Ms. Lewis will be in court on March 8, 2016 and will testify and present additional photographs. She felt that Ms. Sunyak is misreading the ordinance regarding the car on the property.

Attorney Lehrer said that this case is currently pending before the Municipal Court. He recommended that the members of the Governing Body not make any statements and not take any position.

*** Colin Barry, Raritan Township, said he spoke with Adm. Giaimis and thought there would be an ordinance for introduction listed on the agenda for outside detail for the police for construction sites. Mayor Gilbert said there is a resolution listed for later with the outside detail fee structure. Mr. Barry said that an ordinance should be adopted to incorporate the fees.

**PRIVILEGE
OF THE
FLOOR
(Continued)**

Mayor Gilbert said that Adm. Giaimis was not present and the Committee was not prepared to speak about this matter. Attorney Lehrer said that Mr. Barry should present this to Adm. Giaimis and he can then make a recommendation to the Township Committee.

Mayor Gilbert asked for a motion to close Privilege of the Floor.

Motion was made by Comm. Mangin and seconded by Comm. Reiner.

Vote: 5 – 0

Motion carried.

COMMENTS:

Comm. Reiner said that there have been many complaints against the Zoning Department. Complaints have come in from Bluebird Court, 42 Rake Road, Flemington Department Store and others. He would really like to find out where the problem lies. He felt that a Rice Notice should be sent to the Department Head to discuss this matter and speak with her. He asked the Committee if they were in favor of this. Attorney Lehrer said that if a topic is going to be placed in Closed Session regarding a personnel issue, the Committee can do so. There is also an obligation to provide a Rice Notice to give her the opportunity to say whether she wants the matter discussed in Closed Session or in public. Attorney Lehrer also said that because the Open Public Meetings Act states that the Committee can go into Closed Session and speak about personnel, does not mean that the person has a right to be in Closed Session. It only means that the Committee has a right to speak about her. Attorney Lehrer said that if she voluntarily agrees to come before the Committee in Closed Session, then a Rice Notice does not have to be provided. Comm. Mangin said that he did not want to bypass the Administrator because he is the head of personnel. Attorney Lehrer suggested that the Administrator invite her to attend a Closed Session Meeting. If the answer is no, then the Governing Body has to decide if it wishes to send her a Rice Notice. Attorney Lehrer said he felt very uncomfortable about the entire conversation. There are proper mechanisms to deal with this situation. It was the consensus of the Committee to defer this to the Administrator.

ORDINANCES:

ORDINANCE #16-02

AN ORDINANCE OF THE TOWNSHIP OF RARITAN AMENDING CHAPTER 15.06, ENTITLED "REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN TO INCLUDE A MAXIMUM AGGREGATE PENALTY.

Attorney Lehrer said that this ordinance includes the maximum aggregate monetary penalty of \$25,000 for Ordinance #16-02 and Ordinance #16-03.

Mayor Gilbert asked for a motion to introduce Ordinance #16-02 on first consideration, same to be published according to law with a public hearing and a vote scheduled for the meeting of April 5, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Motion was made by Comm. Mangin and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

ORDINANCE #16-03

AN ORDINANCE OF THE TOWNSHIP OF RARITAN AMENDING CHAPTER 15.07, ENTITLED "VACANT PROPERTIES", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN TO INCLUDE A MAXIMUM AGGREGATE PENALTY.

Mayor Gilbert asked for a motion to introduce Ordinance #16-03 on first consideration, same to be published according to law with a public hearing and a vote scheduled for the meeting of April 5, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

ORDINANCES: Motion was made by Comm. Reiner and seconded by Comm. Chen.
(Continued)

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

CORRESPONDENCE

- a. League of Municipalities: (All Information is on File in the Clerk’s Office)\
Governor Presents State Budget Proposal for Next Fiscal Year; Seminar Information; Weekly Policy Updates; Updated Vegetative Management Regulations; A Brief Recap of the governor’s Budget Address Seminar;
- b. HART Commuter Information Services re: Pedestrian Safety Grant Funding and Assistance Available – *Eng. Hajjar said he will review the application before it is submitted. The grant can be used for pedestrian signs with LED lights. .*
- c. GovConnect Information
- d. Hunterdon County Engineer re: Municipal Participation – Traffic Striping Various Roadways;
- e. Conclave Brewing, LLC, ABC License Issued by the State of New Jersey – 15 Minneakoning Road
- f. NJ DEP News Releases

NON CONSENT AGENDA:

Resolution #16-47 – Authorizing the Appointment of Tax Attorney

This resolution was tabled.

Resolution #16-54 – Budget Transfers (4 Votes Needed for Adoption)

William Pandos, Chief Financial Officer, said because four employees retired last year, the budget fell short for an employee who unexpectedly is retiring from Public Works. The shortfall is for accumulated sick time. There was also problem in the switching over from ADP to Prime Point for payroll. The first few payrolls were not posted to the General Ledger. The transfers are being taken from legal.

NON-CONSENT AGENDA: (Continued)

Mayor Gilbert asks for a motion to adopt Resolution #16-54.

Motion was made by Comm. Reiner and seconded by Comm. O'Brien.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

Resolution #16-62 – Award of Contract to Econsult Solutions, Inc. (ESI)

Mayor Gilbert said that this contract will be paid by developers and not by the Township's general funds. Attorney Lehrer said that this company has been retained by the municipal consortium to represent the municipal side regarding COAH, in the event that the Township has to go to trial. This is pursuant to Judge Miller's orders of February 5, 2016.

Mayor Gilbert asks for a motion to adopt Resolution #16-62.

Motion was made by Comm. Mangin and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – yes
 O'Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

**CONSENT
AGENDA
(Continued)**

**Resolution #16-56 – Establishing Administrative Fee for Police Outside
Employment Services**

William Pandos, Chief Financial Officer, said that this resolution is adopted annually. The last resolution was adopted in 2014. Two administrative fees were set; one for police and one for schools. Comm. Chen asked if there was a set rate by the State. CFO Pandos said he did not think that these fees are set by the State.

Mayor Gilbert asked for a motion to adopt Resolution #16-56.

Motion was made by Comm. Mangin and seconded by Comm. Reiner.

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

Resolution #16-57 - CLOSED SESSION:
Personnel – Building Sub Code Official;
Tax Attorney;
Contract Negotiations – Flemington Fields HOA

Mayor Gilbert asks for a motion to adopt Resolution #16-57.

Motion was made by Comm. Reiner and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes
 Gilbert – yes

Motion carried.

**CLOSED
SESSION**

Closed Session Minutes are on a separate document.

Let the record show that Mayor Gilbert recused herself from the Closed Session discuss of Flemington Fields. Her mother is a resident of Flemington Fields.

**OPEN
SESSION**

The Committee went back into Open Session at 10:00 p.m..

**ADJOURN-
MENT**

Deputy Mayor Mangin asked for a motion to adjourn the meeting.

Motion was made by Comm. Reiner and seconded by Comm. Chen.

Roll Call Vote: Chen – yes
 Mangin – yes
 O’Brien – yes
 Reiner – yes

Motion carried.

Meeting adjourned at: 10:10 p.m.

Respectfully submitted,

Rose Sollena, RMC/CMC
Township Clerk